

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

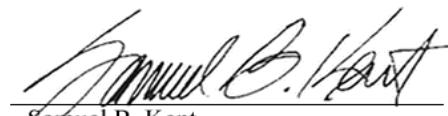
HOMER LEE BROWN, §
§
V. § CIVIL ACTION NO. G-03-838
§
MONROE KRUEZER, ET AL. §

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on April 24, 2005, which recommends that the above-styled cause be dismissed with prejudice. Plaintiff, who is no longer incarcerated, filed objections to the Report and Recommendation; however, his objections fail to state the violation of a constitutional right and fail to identify the type of harm necessary to elevate such claims to the level of cognizable constitutional violations. Plaintiff's claims, even if true, lack an arguable basis in law and fact.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice as frivolous.

DONE at Galveston, Texas, this the 6th day of July, 2005.



Samuel B. Kent
United States District Judge